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October 1, 1999

**CERTIFIED MAIL**

Mr. Theodore John Kaczynski  
No. 04475  
P.O.Box No. 8500  
Florence, Colorado  
81226-8500

Re: Truth vs. Lies

Dear Mr. Kaczynski:

My client Beau Friedlander has asked me to write to you directly to address the questions raised in your letter of September 21.

1. You asked whether your authorizing Beau to see the Meister declaration and three investigator reports we mentioned, thus waiving the attorney work product privilege as to those four documents, will also result in the loss of the attorney workproduct privilege with respect to all other documents currently so covered. In my opinion, the answer is "No". The worst a judge would likely do would be to require only so much additional disclosure as would serve to round out the specific topic involved. Thus, if one of the investigators had conducted two interviews with Mr. X and the report of only the first was disclosed to Beau, a judge might rule that the privilege was waived as to the second interview, too. All other documents not so integrally related to any of the four documents to be disclosed, would be unaffected, and the privilege attaching to them would remain intact.

In the face of the discovery request by a civil plaintiff seeking to exploit the limited waiver in question, Context will take all reasonable good faith steps to obtain protective orders to maintain, to the maximum degree feasible, the protected status of all privileged documents.

2. You also asked about the impact of publication of the book on your ability, in a trial, to seek suppression of documents not otherwise privileged on the ground they were seized in violation of your Fourth and Fifth Amendment rights.

In this regard you asked about the impact of (a) the publication itself, and (b) revelation as a result of compelled discovery in a civil case brought against you.

The rules prohibiting the admission evidence seized or obtained in violation of Fourth and Fifth Amendments rights are meant to deter the State's agents from violating a citizen's constitutional protections. The suppression, in effect, is intended to punish the State, and by so doing, protect citizens from illegally compelled disclosures.

In your case, the violation of constitutional rights took place prior to any disclosure on your part, and but for such violations, your publication never would have occurred. Indeed, your publication now is, in a moral sense, compelled by the prior violation of your rights. Your subsequent disclosures should have no effect on your constitutional rights. In the most common case, that of an improperly obtained confession, the cat is always out of the bag prior to the suppression motion, and in many cases, the confession, though improperly obtained, was voluntary, at least in a common sense understanding of the word. Nevertheless, this confession still can be suppressed.

It is my opinion, therefore, that with respect to materials which came into the hands of the government in violation of your constitutional rights, your subsequent publication of non-self-incriminating extracts will not invalidate any otherwise valid motion to suppress in the context of a trial.

The reasons for my opinion in the case of publication, apply least as strongly with regard to disclosures in response to a subpoena or court order in a civil case since that disclosure would be made by you under compulsion.

In this circumstance as in that discussed in Section 1, Context Books undertakes to make all reasonable good faith efforts to obtain protective orders to prevent, to the greatest feasible extent, disclosure of the legally seized materials not quoted or directly referred to in your book.

I hope I have succeeded in making this letter clear, comprehensive and satisfactory.

Sincerely yours,



Jeffrey Craig Miller

JCM:ht  
cc: Beau Friedlander